

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MELVIN JOSEPH SIMMONS, D66671,

Petitioner,

v.

RALPH DIAZ, et al.,

Respondent(s).

Case No. [21-cv-05468-CRB](#) (PR)

**ORDER OF TRANSFER**

Petitioner seeks federal habeas review of a conviction from Los Angeles County Superior Court, which lies within the venue of the Central District of California, Western Division. See 28 U.S.C. § 84(c)(2). Petitioner is incarcerated at the California Substance Abuse Treatment Facility in Kings County, which lies within the venue of the Eastern District of California. See id. § 84(b).

Venue is proper in a habeas action in either the district of confinement or the district of conviction, see 28 U.S.C. § 2241(d); however, petitions challenging a conviction preferably are heard in the district of conviction. See Habeas L.R. 2254-3(a); Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993).

Because Los Angeles County lies in the Central District of California, Western Division, the court ORDERS that pursuant to 28 U.S.C. § 1404(a) and Habeas Local Rule 2254-3(b), and in the interest of justice, this petition be TRANSFERRED to the United States District Court for the Central District of California, Western Division.

The clerk shall transfer this matter forthwith.

**IT IS SO ORDERED.**

Dated: August 17, 2021



CHARLES R. BREYER  
United States District Judge